UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

MICHAEL JAMES LAYOU,

Plaintiff,

-against-

9:11-cv-0114 (LEK/RFT)

DOUGLAS K. CREWS, et al.,

Defendants.

ORDER

This matter comes before the Court following a Report-Recommendation filed on August 19, 2015, by the Honorable Randolph F. Treece, U.S. Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3. Dkt. No. 107 ("Report-Recommendation").

Within fourteen days after a party has been served with a copy of a magistrate judge's report-recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations." FED. R. CIV. P. 72(b); L.R. 72.1(c). If no objections are made, or if an objection is general, conclusory, perfunctory, or a mere reiteration of an argument made to the magistrate judge, a district court need review that aspect of a report-recommendation only for clear error. Barnes v. Prack, No. 11-CV-0857, 2013 WL 1121353, at *1 (N.D.N.Y. Mar. 18, 2013); Farid v. Bouey, 554 F. Supp. 2d 301, 306-07 & 306 n.2 (N.D.N.Y. 2008); see also Machicote v. Ercole, No. 06 Civ. 13320, 2011 WL 3809920, at *2 (S.D.N.Y. Aug. 25, 2011) ("[E]ven a *pro se* party's objections to a Report and Recommendation must be specific and clearly aimed at particular findings in the magistrate's proposal, such that no party be allowed a second bite at the apple by simply relitigating a prior argument."). "A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.

§ 636(b).

No objections were filed in the allotted time period. <u>See</u> Docket. Accordingly, the Court

has reviewed the Report-Recommendation for clear error and has found none.

Accordingly, it is hereby:

ORDERED, that the Report-Recommendation (Dkt. No. 107) is APPROVED and

ADOPTED in its entirety; and it is further

ORDERED, that Defendants Douglas K. Crews and Michael Stafford's Motion (Dkt. No.

92) for summary judgment is **GRANTED in part** as to Plaintiff's access to courts claim against

Defendant Stafford and **DENIED** in part as to Plaintiff's unlawful seizure, false arrest, and

excessive force claims against Defendant Crews; and it is further

ORDERED, that the Clerk of the Court serve a copy of this Order on all parties in

accordance with the Local Rules.

IT IS SO ORDERED.

DATED:

September 29, 2015

Albany, NY

Lawrence E. Kahn

U.S. District Judge

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